

## UNITED STATES DISTRICT COURT

for the  
Western District of Oklahoma

## In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)

White 2005 Pontiac Montana SV6, vehicle identification number  
("VIN") 1GMDV33L65D227103, which is stored and secured at the  
Stillwater Police Department, 723 S Lewis St, Stillwater, Oklahoma  
74076

Case No. M-24-645-STE

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See Attachment A

located in the Western District of Oklahoma, there is now concealed (*identify the person or describe the property to be seized*):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☐ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
18 U.S.C. §§ 1111 and 1152	Murder In Indian Country
21 O.S. §§ 701.7 and 701.6	First or Second Degree Murder

The application is based on these facts:

See Attached Affidavit

- ☒ Continued on the attached sheet.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

Brittany Kilmer, SA BIA

Printed name and title

Sworn to before me and signed in my presence.

Date: Aug 30, 2024City and state: Lawton, OK


Judge's signature

Shon T. Erwin, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT**

I, Brittany Kilmer, Special Agent with the Bureau of Indian Affairs (BIA), the Affiant, being first duly sworn, hereby depose and state as follows:

**INTRODUCTION AND AFFIANT BACKGROUND**

1. I make this affidavit in support of an application for a warrant under Federal Rule of Criminal Procedure 41, to examine the (TARGET VEHICLE), namely, a White in color, 2005 Pontiac Montana SV6, vehicle identification number ("VIN") 1GMDV33L65D227103, which is stored and secured at the Stillwater Police Department, 723 S Lewis St, Stillwater, Oklahoma 74076, Payne County in the Western District of Oklahoma. The TARGET VEHICLE was originally located at Alvin COLLINS's residence located at 2825 W Riverview Rd., Ponca City, Oklahoma 74601, GPS Location 36.638050626229116, -97.11851541906742, which is Ponca Tribal Trust Land. For evidence preservation the vehicle was seized, secured, and relocated to Stillwater Police Department, which is not Tribal Trust Land. The property to be searched is described further in Attachment A, and the property to be seized is described in Attachment B.

2. I have been a law enforcement officer for ten years, and worked in the compacity as a Tribal Officer, Police Officer, Deputy Sheriff, and now a Federal Agent. I attended the Oklahoma Council on Law Enforcement Training ("CLEET") for basic police training. I attended the Federal Law Enforcement Training Center ("FLETC") at the Bridge Indian Police Academy ("IPA") for basic Indian country police officer training. I also attended FLETC for the Department of the Interior Investigator Training Program ("DOI ITP"). For the past two and half years, I have been employed with the BIA, Office of Justice Services ("OJS"). I am currently a Special Agent assigned to District II in Oklahoma. My primary duties as a Special Agent are to investigate felony criminal offenses, which occur within the boundaries of the Indian reservations to which I am

assigned. During my time as a Special Agent, I have taken part in numerous criminal investigations as the primary investigator or in a backup capacity. I have also received significant training in criminal investigations, including investigations into violent crimes.

3. I am a "Federal law enforcement officer" pursuant to Rule 41(a)(2)(C) of the Federal Rules of Criminal Procedure. I am authorized by law to conduct investigations of violent crimes, including Murder, especially those that have some type of Indian Country nexus. I am also an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7).

4. The facts and statements in this affidavit are based in part on my own personal observations and investigation; information provided to me by other law enforcement officers and witnesses, either directly or indirectly; and/or my experience, training, and background as Special Agent with the Bureau of Indian Affairs. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all the relevant facts known to law enforcement officers.

5. I submit that there is probable cause to believe that the TARGET VEHICLE contains evidence of murder, in violation of Title 18, United States Code, Sections 1152 and 1111, and Title 21, Oklahoma Statutes, Sections 701.7 and 701.8.

#### **PROBABLE CAUSE**

6. On Thursday, August 1, 2024, at approximately 10:35 hours, Kay County Sheriff's Office Deputy's responded to the scene of a deceased body located in a field belonging to Silvertop Farms Property, GPS Location 36.658442, -97.16, Tonkawa, OK, in the county of Kay, within the Western District of Oklahoma. This location is not Tribal Trust Land and is within the State of Oklahoma's criminal jurisdiction. The body was reported as skeletal remains to the Kay County



Sheriff's Office. The Oklahoma State Medical Examiner Office was contacted, and a certified medical examiner responded to the scene. The scene was documented and processed as a crime scene. The body was identified as female. Evidentiary items were properly collected and stored from the crime scene.

7. On Friday, August 9, 2024, Kay County Sheriff's Office took a report of a missing Native American female. The female's name was Sylvia Gomez, (DOB 10/13/1997). The reporting party stated they had not seen or heard from Sylvia since approximately July 4, 2024. The missing person report was taken near the area that the deceased body was located. Sylvia is a member of the Ponca Tribe with a Certified Degree of Indian Blood.

8. Sylvia's Residence is located at 36.661764097140185, -97.15733984122157, 11615 S. U Street, Ponca City, Oklahoma, in the County of Kay. Sylvia's residence was at one time in Tribal Trust Land but was removed several years ago.

9. Sylvia's dental records were provided to the state's medical examiner's office, so that the medical examiner could compare the records to the body. The Oklahoma State Medical Examiner was able to later determine that the body was in fact Sylvia Gomez.

10. On August 15, 2024, Kay County Sheriff's Investigator interviewed Alvin COLLINS (DOB 6/10/1974) a Native American male in regard to Sylvia. During the interview COLLINS stated that he had been with Sylvia near the time of her disappearance. COLLINS stated that he agreed to give Sylvia a ride from within Ponca City, Oklahoma to South U Street where Sylvia lived. COLLINS stated that he was upset with Sylvia because he believed Sylvia stole \$11 dollars from him. COLLINS stated that there was a verbal argument between him and Sylvia that occurred over the missing currency inside his vehicle, also known as the TARGET VEHICLE. COLLINS is a member of the Ponca Tribe with a Certified Degree of Indian Blood.

11. The last known location that Sylvia was seen alive was in the TARGET VEHICLE, and some form of disagreement or altercation occurred between Sylvia and COLLINS.

12. Because Alvin COLLINS lives on Tribal Trust Land, and because there are several Tribal Trust Land parcels in the Ponca City, Oklahoma area, there is reason to believe that the crime, or parts of the crime, may have occurred within Indian Country. Further, both Sylvia Gomez and Alvin COLLINS are Indian Persons as defined by law.

13. I am requesting a Search Warrant for evidentiary items located on or within the TARGET VEHICLE, in relations to the death of Sylvia Gomez, or placing Sylvia inside the TARGET VEHICLE. Such evidentiary items to include but are not limited to: body fluids, hair, fingerprints, fingernails, skin cells, blood, semen, saliva, physiological fluid, secretions, fibers, latent prints, shoe prints, shoes, clothing, and other garments, dirt, dust, soil, and items containing traces of any of the preceding articles on the exterior of the vehicle. Documents or any item belonging to Sylvia identified by her personal information to include but are not limited to; identification cards, credit or debit cards, and mail.

14. This biological material can be gathered and collected, including by swabbing the area where it was deposited, and subsequently tested. Such testing includes serological testing to determine if the substance left behind was blood or DNA, which can be tested to determine the identity of its genetic donor. Fibers, dirt, dust and soil collected from the TARGET VEHICLE can be compared to samples collected from the body, and the crime scene. I believe these comparisons will assist in creating a more detailed timeline of events and potentially linking the evidence collected from the TARGET VEHICLE to the crime scene.

#### **BACKGROUND ON DNA AS A FORM OF EVIDENCE**

15. Deoxyribonucleic acid (DNA) is a genetic material which has become widely

accepted as one of the most reliable ways of identifying an individual person based on DNA found in many bodily substances including but not limited to blood, semen, skin cells, and saliva. If a DNA-containing substance is located at a crime scene or is otherwise collected, proper collection and analysis of this substance may produce a viable "DNA profile" from the collected sample with which to then compare a "known sample," or DNA that was known to be collected from a specific person. If the collected sample's DNA profile is compared with a known sample's DNA profile, it may be determined whether the two come from the same source (same person) within a given degree of probability.

### CONCLUSION

16. Given the facts set forth above, I respectfully submit that there is probable cause to believe that evidence of Murder, in violation of Title 18, United States Code, Sections 1152 and 1111, and Title 21, Oklahoma Statutes, Sections 701.7 and 701.8 will be located in the TARGET VEHICLE. I am requesting a search warrant be issued authorizing the search of the property described in Attachment A and the seizure of the property described in Attachment B.



BRITTANY KILMER  
Special Agent  
Bureau of Indian Affairs

Sworn to me on this the 30<sup>th</sup> day of August, 2024.



United States Magistrate Judge  
SHON T. ERWIN



**ATTACHMENT A**

The vehicle to be searched is a White in color, 2005 Pontiac Montana SV6, vehicle identification number (“VIN”) 1GMDV33L65D227103, which is stored at Stillwater Police Department, 723 S Lewis St, Stillwater, OK 74076, Payne County in the Western District of Oklahoma.



**ATTACHMENT B**

All evidence located within the interior or on the exterior of the vehicle described in Attachment A, which relates to Murder in violation of 18 U.S.C. §§ 1111, and 1153, and 21 O.S. 701.7 and 701.8 to include but not limited to:

1. Body fluids, hair, fingerprints, fingernails, skin cells, blood, semen, saliva, physiological fluid, secretions, fibers, latent prints, shoe prints, shoes, clothing, and other garments, dirt, dust, soil.
2. Documents or any item belonging to Sylvia identified by her personal information to include but are not limited to, identification cards, credit or debit cards, and mail.
3. Papers and receipts showing dominion and control of the vehicle.
4. Inspection of any Vehicle Identification Number (VIN) located on the vehicle to verify identity.